

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 721 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

DEPUTY ENGINEER

Versus

CHIRAG PLASTIC INDUSTRIES

Appearance:

MR AD OZA for Petitioner

MR VIMAL M PATEL for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 25/07/2000

ORAL JUDGEMENT

This civil revision application has been preferred against the order dated 11th July, 2000 passed by the learned Civil Judge (S.D.), Gondal in the application at Ex.15, whereby the court commissioner has

been appointed to draw the panchnama as prayed in the application of the respondent, in presence of both the parties, and submit a detailed report in that behalf before the court.

2. Heard the learned counsel for both the parties.

The learned counsel for the petitioner submits that the respondent-Firm was found committing theft of electric energy. A report alongwith rojkam and map etc. were prepared by the staff of Electricity Board and the Electricity Board has sent an additional bill of Rs.26,03,323.38 paisa. The respondent has filed a Special Civil Suit No.86 of 2000 for declaration and permanent injunction against the petitioner. An application was moved by the respondent to appoint a Court Commissioner for drawing the panchnama as mentioned in the application. The court below has considered and erred by appointing the Court Commissioner to collect the evidence which is not permitted in the eye of law. The court below, after considering the facts and circumstances, appointed Mr.K.K.Rathod, Nazar, as a Court Commissioner for drawing panchnama in presence of both the parties. I do not find any illegality in appointing the Court Commissioner by the court below. Accordingly, the revision application is not sustained in the eye of law. The revision application is dismissed in limine. However, the petitioner-himself or any other persons on his behalf may accompany the court commissioner and he may point out anything which may be indicated by the court commissioner in the map and the report concerned.

Date : 25/07/2000. (Kundan Singh,J)
vrpanchal.